

CLAY COUNTY PLANNING AND ZONING COMMISSION MINUTES
July 5, 2011

Regular meeting of the Clay County Planning and Zoning Commission, Commission Hearing Room, 3rd Floor, County Administration Building, One Courthouse Square, Liberty, MO.

Call to Order at 6:30 pm.
Roll Call

Members Present: Gene Knisley, Jim Edwards, Barbara Ball,
Mark Beggs, Jeff Richerson, and Karl Walters

Members Absent:

Staff Present: Matt Tapp, Director
Debbie Viviano, Planner
Greg Canuteson, Assistant County Counselor

Mr. Knisley: Good evening ladies and gentlemen. Welcome to our meeting of Tuesday, July 5, 2011, regular meeting of Clay County Planning and Zoning Commission will now come to order. Before I ask for the roll call, I would like to introduce one of our newest members to the Board and to the public.

Mr. Mark Beggs to my right; welcome Mark.

Mr. Beggs: Thank you. I appreciate it.

Mr. Knisley: With that being said, may we have the roll call, please?

Mr. Tapp: Mr. Walters?

Mr. Walters: Present.

Mr. Tapp: Mr. Edwards?

Mr. Edwards: Present.

Mr. Tapp: Mr. Richerson?

Mr. Richerson: Present.

Mr. Tapp: Mrs. Ball?

Mrs. Ball: Present.

Mr. Tapp: Mr. Beggs?

Mr. Beggs: Present.

Mr. Tapp: Mr. Knisley?

Mr. Knisley: Present.

Mr. Knisley: We need to approve the May 3, 2011, Planning and Zoning Commission Minutes. Do I have a motion?

Mr. Richerson: Mr. Chairman, I make a motion that we approve the May 3, 2011, minutes.

Mr. Edwards: Seconded.

Mr. Knisley: There has been a motion and a second. Vote please.

Mr. Tapp: Mr. Walters?

Mr. Walters: Approve.

Mr. Tapp: Mr. Edwards?

Mr. Edwards: Approve.

Mr. Tapp: Mr. Richerson?

Mr. Richerson: Approve.

Mr. Tapp: Mr. Knisley?

Mr. Knisley: Approve.

Final Vote:	4/0/2	Approve	May 3, 2011
			Planning & Zoning Minutes

Mr. Knisley: Members before you are the May and June monthly reports if you would like to take a look at them for a moment. If you have any questions, please bring them up at this point. We will proceed with our meeting this evening. Due to the lack of quorum for the June meeting, we had to cancel the meeting at that time. We have three cases before us this evening. Two of the cases were continued from the last meeting agenda. These cases if approved or disapproved will be sent to the County Commission hearing on July 18th at 1:30 pm in this room. The first case is **Case No.: June 11-103RZ/P**– A request for rezoning from Residential Low Density District (R-1A) to Agricultural (AG), and preliminary plat approval of the Replat of Wharton Estates a proposed re-plat of a subdivision located at approximately the northwest corner of NE 174th Street and Salem Road. The applicant's are Benton and Michelle Killingsworth. Do we have the representative or the applicant here before us this evening? Can you step up and state your name for the record? We are recording the meeting this evening so if you can speak up so it can be understood.

Benton Killingsworth: My name is Benton Killingsworth.

Mr. Knisley: Do you have any comments, before we ask for the report?

Benton Killingsworth: Not at this time, sir.

Mr. Knisley: If you will stay there just a moment, I will ask for the report on that case. Thank you.

Mrs. Viviano: Summarized the staff report. Staff report June 11-103 RZ/P dated May 31, 2011, and part of the case file is hereby made as an attachment to the minutes.

Mr. Knisley: Thank you. Are there any comments from the Commission? Do you have any comments sir?

Benton Killingsworth: Not at this time.

Mr. Knisley: Okay, being none do I have a motion to approve the rezoning from R-1A to AG?

Mrs. Ball: Mr. Chairman, I recommend that we approve the rezoning for case number June 11-103 RZ/P from Residential Low Density District (R-1A) to Agricultural (AG).

Mr. Richerson: Seconded.

Mr. Knisley: There has been a motion and a second. Vote please.

Mr. Tapp: Mr. Walters?

Mr. Walters: Approve.

Mr. Tapp: Mr. Edwards?

Mr. Edwards: Approve.

Mr. Tapp: Mr. Richerson?

Mr. Richerson: Approve.

Mr. Tapp: Mrs. Ball?

Mrs. Ball: Approve.

Mr. Tapp: Mr. Beggs?

Mr. Beggs: Approve.

Mr. Tapp: Mr. Knisley?

Mr. Knisley: Approve.

Final Vote:	6/0	Approve	June 11-103 Rezoning R-1A to AG <u>Replat of Wharton Est. (Killingsworth Hideway)</u>
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Mr. Knisley: Now we will proceed to the Preliminary Plat of the Replat of Wharton Estates. Are there any comments before I ask for a motion? Being none, do I have a motion to approve the Preliminary Plat with two (2) conditions?

Mrs. Ball: Mr. Chairman, I make a motion that we approve the Preliminary Plat of the Replat of Wharton Estates (Killingsworth Hideway) with two (2) conditions.

Mr. Knisley: Thank you. There has been a motion. Do I have a second?

Mr. Richerson: Seconded.

Mr. Knisley: Thank you. Vote, please.

Mr. Tapp: Mr. Walters?
Mr. Walters: Approve with 2 conditions.
Mr. Tapp: Mr. Edwards?
Mr. Edwards: Approve with 2 conditions.
Mr. Tapp: Mr. Richerson?
Mr. Richerson: Approve with 2 conditions.
Mr. Tapp: Mrs. Ball?
Mrs. Ball: Approve with 2 conditions.
Mr. Tapp: Mr. Beggs?
Mr. Beggs: Approve with 2 conditions.
Mr. Tapp: Mr. Knisley?
Mr. Knisley: Approve with 2 conditions.

Final Vote: 6/0 Approve

**June 11-103 Preliminary Plat
Replat of Wharton Est. (Killingsworth Hideway)
With two (2) conditions**

Mr. Knisley: Thank you sir.
Benton Killingsworth: Thank you. Just one thing real quick. There does need to be an “S” in there.
Mrs. Viviano: I noticed that when I was reading it.
Mr. Richerson: The conditions have it correct.
Mr. Knisley: Our next case is **Case No.: June 11-104P**– A request for preliminary plat approval of Brookview Estates 3rd Plat a proposed subdivision located just north of the Brookview Estates, 2nd Plat (NE corner of N. Agnes Street & NE 132nd Street). The applicant is Brian P. Forquer, Lutjen, Inc., representing Shane Danner, RPLTD, LLC. Staff report please.
Mrs. Viviano: Summarized the staff report. Staff report June 11-104P dated May 31, 2011, and part of the case file is hereby made as an attachment to the minutes.
Mr. Knisley: Thank you. Is the representative for Mr. Danner here?
Brian Forquer: Good evening. My name is Brian Forquer with Lutjen, 1301 N. Burlington, Suite 100, NKC, MO.
Mr. Knisley: Do you have any comments regarding the staff report?
Brian Forquer: No, we have worked with staff and agree to the conditions for the Preliminary Plat.
Mr. Knisley: Good. Are there any comments from the Commission?
Mrs. Ball: I have a question. Does the fact that he has to purchase the pipe lines.....that doesn't have to be a condition?
Mrs. Viviano: Actually, it is a condition. It is number three.
Mrs. Ball: Oh, okay.
Mrs. Viviano: Approval of the water main extension plans. He has to have the plans in order to go. In order to get the plans to the water district you have to pay.
Mrs. Ball: Okay, that is all I have.
Mrs. Viviano: Would that be correct?
Brian Forquer: Yes.
Mr. Knisley: Are there any comments from the public? Being none, do I have a motion to approve the Preliminary Plat for Brookview Estates 3rd Plat?
Mr. Richerson: Mr. Chairman, I move that we approve the Preliminary Plat for Brookview Estates 3rd Plat with seven (7) conditions.
Mr. Knisley: Thank you, there has been a motion. Is there a second?
Mrs. Ball: Seconded.
Mr. Knisley: Vote, please.
Mr. Tapp: Mr. Walters?
Mr. Walters: Approve with 7 conditions.
Mr. Tapp: Mr. Edwards?
Mr. Edwards: Approve with 7 conditions.

Mr. Knisley: We will proceed now to the Preliminary Plat approval for Wheeler Estates. Are there any comments from the Commission or the public? Being none, do I have a motion to approve the Preliminary Plat for Wheeler Estates?

Mr. Richerson: Mr. Chairman, I move that we approve the Preliminary Plat of Wheeler Estates with two (2) conditions.

Mr. Edwards: Seconded.

Mr. Knisley: Thank you, there has been a motion to approve and a second. Vote, please.

Mr. Tapp: Mr. Walters?

Mr. Walters: Approve with 2 conditions.

Mr. Tapp: Mr. Edwards?

Mr. Edwards: Approve with 2 conditions.

Mr. Tapp: Mr. Richerson?

Mr. Richerson: Approve with 2 conditions.

Mr. Tapp: Mrs. Ball?

Mrs. Ball: Approve with 2 conditions.

Mr. Tapp: Mr. Beggs?

Mr. Beggs: Approve with 2 conditions.

Mr. Tapp: Mr. Knisley?

Mr. Knisley: Approve with 2 conditions.

**Final Vote: 6/0 Approve July 11-105 Preliminary Plat
Wheeler Estates
with two (2) conditions.**

Mr. Knisley: Thank you. That concludes are cases for this evening. Under other business I believe there is National Pollutant Discharge and Elimination System (NPDES) Phase II Year End Annual Report (3rd Yr. of 2nd – 5 Year Plan-reporting period 6/13/10-6/12/11).

Mr. Tapp: Yes, as an attachment to the staff report I believe you all should have a copy of the Annual Review Report for NPDES which is National Pollutant Discharge and Elimination System, Phase II general permit. Just for your review; we have done some key things. The main one being that we have started house keeping training with staff, Highway Department, Facilities Management, and Parks Department in controlling erosion sediment during construction as well as just good house keeping procedures about storing materials and things of that nature. We are definitely taking strides in the right direction and it is attached for your review. It is the third year in our five year plan. We will have two more and then our next five year plan. Also, Debbie wanted to remind me that we are trying to stress with other departments and the general administration of Clay County that we need to look at doing an operations and maintenance manual for all properties that the County owns. What specific materials we have there, what specific stormwater issues we have at each property, and the actual procedures to prevent the pollution of those chemicals from leaking onto the waterways. We are highly recommending that.

Mr. Knisley: Good.

Mrs. Viviano: Actually, it is something that the State wants us to do and EPA.

Mr. Tapp: We also hear that Phase III is coming down the line within the NPDES, which would mean that possibly the entire County would be lumped into our Phase II or our stormwater management regulations. This would be a huge impact on Clay County, both financially and staffing wise. We will see if that ever comes down the shoot which it very well could. Right now we just have two small areas. For our current stormwater management NPDES we have area A1 and A2. A1 is Clear Creek by Kearney and A2 is by the Fishing River wastewater treatment plant by the City of Kansas City. It is somewhat close to Wheeler Estates. Those are our two little areas right now because it meets the population threshold that the EPA and Federal Government established. They are talking about for urbanized counties like ourselves branching out to the entire County, which would be a huge impact. They have a lot of backlash on that from other counties.

Mr. Knisley: How are we doing with the Common Sewer District?

Mr. Tapp: It is in the process. It requires a vote so there is always that strategy behind as to when do we put the language before the voters. We need to make sure there is not anything else that might be controversial and it is money. If you are by your self on a ballot, you are talking about some serious money. We have to see that Common Sewer District is not the highest priority when talking about sales tax and things like that.....not for the Common Sewer District there is just bigger picture things on the ballot that trumps the Common Sewer District. Slowly but surely a decade plus in the making.

Mr. Knisley: It has kind of calmed down after the economy went sour.

Mr. Tapp: The general voters kind of construe it as a tax in some fashion so you have to be careful as to how you present it and petition the voters to pass it.

Mr. Knisley: Under other business, do you have any other comments?

Mr. Tapp: At this time, no I do not.

Mr. Knisley: Are there any comments from the other Board members? Do I have a motion to adjourn?

All: Motion and Second.

Meeting Adjourned.

Chairman, Planning & Zoning Commission

Secretary, Planning & Zoning Commission

Recording Secretary